

REMARKS

Claim 1 has been amended to obviate the §112 rejection, Claims 1 and 9 also have been amended to clarify the invention, and to better define the invention over the prior art. No new matter has been added by the aforementioned changes.

The rejection of claims 1-7 and 9-15 under 35 USC §102(b) as being anticipated by Miner et al. (US Patent No. 5,652,789) is in error. Independent claim 1, as amended, requires “[a] notifying/instructing unit used to make an instruction to continuously notify a user ... that an awaiting state is kept ... wherein said awaiting state is a time period between the detection of an off-hook signal and when the user is able to hear the voice of a caller.” Independent claim 9 contains a similar feature.

Miner et al. does not teach this feature. Miner et al. teaches a traditional dedicated line telephone system with an electronic assistant. When a call is received by Miner et al.’s device, a user picks up the telephone and the electronic assistant states, “Call from Contact, OK?” (FIGS. 23A, 24A; column 32, line 1 through column 33, line 4). The electronic assistant then waits silently for a response from the user. (FIG. 23A). If the user responds, “yes” the electronic assistant connect the caller and if the user refuses to accept the call electronic assistant offers to take a message. (FIGS. 23A, 24A). Never does the electronic assistant continuously notify a user of an awaiting state because an await state never exists. Thus, Miner et al. cannot achieve nor render obvious independent claims 1 and 9.

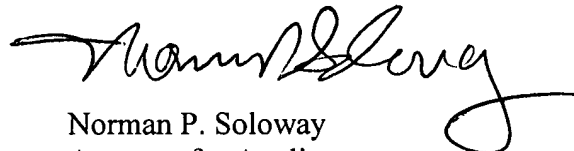
Claims 2-7, and 10-15 depend directly or indirectly on claims 1 or 9, respectively, and are allowable for the same reasons as stated above, as well as for their own additional limitations.

The rejection of claims 8 and 16 under 35 USC §103(a) as being unpatentable over Miner et al. in view of Kung et al. (US Patent 6,633,635) also is in error. Claims 8 and 16 depend on claims 1 and 9, respectively. The deficiencies of Miner et al. are discussed above vis-à-vis the rejection of claims 1 and 9. Kung et al. does not provide the missing teachings. Kung et al. relates to a call manager that manages multiple calls received by a subscriber (Abstract). Nowhere does Kung et al. teach continuously notifying a user of an awaiting state. Thus, no combination of Miner et al. and Kung et al. could achieve or render obvious claims 1 and 9 or claims 8 and 16, which depend thereon.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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